IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.25 OF 2003
IN
NOTICE OF MOTION NO.3245 OF 2002
IN
L.C. SUIT NO.4468 OF 2002

Shri Anil S/o. Deepchand Rajpal ... Appellant

V/s.

Municipal Corproation of
Brihan Mumbai ... Respondent

Mr.G.R. Rege for Appellant
Mr.J. Xavier for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 15, 2004**

P.C.:

. This Appeal from Order has been filed against the order dismissing the Notice of Motion. By a notice issued under section 351 of the Mumbai Municipal Corporation Act, the Corporation had taken action against unauthorised construction of the suit building. It appears that at the time of admission, an interim order was passed and the demolition of the structure was stayed. This order has been in operation from 20.1.2003.

2. The interim relief was granted by this Court as, prima facie, the suit structure was authorised. I am of

the view that it would be appropriate to continue the interim relief granted to the appellant till the suit is disposed off expeditiously.

4. Interim relief shall, accordingly, continue till the disposal of the suit. The trial Court is requested to dispose off the suit expeditiously.

5. Appeal from Order stands disposed of in the above terms.

6. In view of the Appeal from Order being disposed of, nothing survives in Civil Application No.26 of 2003 and the same is disposed of accordingly.